REMARKS

Claim Objections and Rejections

The Examiner's objections to the claims as being in an improper format and therefore non-statutory under 35 U.S.C. § 101 have been obviated by appropriate amendments to the remaining independent claims 6, 13, 15 and 19. Those claims which were not already in traditionally recognized U. S. format for compliance with 35 U.S.C. § 101 have now clearly been so amended; the rejection is therefore now moot.

With respect to the rejection under 35 U.S.C. § 112 of certain matter of claims 6, 15 and 19 as means plus function without the identifying elements, the claim format has been changed away from means plus functions, making this rejection moot as well.

Applicants believe that the clarifying amendments to the claims have also clearly emphasized the important features distinguishing the art of record. However, before discussing in detail the rejection, and comparison of the art with the amended claims, Applicant's Attorney would like to briefly review the invention and its general differences over the state of the art.

The Invention

The invention relates to the use of an EPG in combination with a recommendation system which allows the system to suggest programs to a user which may be of potential interest to them and, as a result of that, for the system to take action based on the suggestions made. The application sets out a particular way of allowing the recommendations to be generated and provided to the viewer. In practice, data for a program which is transmitted to a viewer's apparatus carries a data tag which indicates one or more categories to which that program relates. If the category indicated is not one of a plurality of known programming categories the

invention still allows a recommendation to be generated by using at least two classifier modules each of which is correlated or trained with a particular program category. This correlation allows the classifier module to determine a ranking value for the program. Thus, for a program it is possible to arrive at two or more recommendations from two or more classifier modules and each of the recommendations has a ranking value. The ranking values are compared and the recommendation which has the highest ranking is used to be presented to the viewer. It is this manner of ranking to provide the recommendation as defined in the claims that distinguishes the art.

The Rejection Under 35 U.S.C. § 103 as Obvious over Vanparys in View of Jacoby (US 6,064,980) and Hendricks et al. (US 5,798,785)

The closet prior art relied upon by the Examiner, is WO0115449 in the name of Vamparys. This patent discloses a method for building a recommendation engine and for using the engine to generate first and second recommendations. The Examiner suggests that Vamparys also shows the provision of a first classifier module which is trained with respect to a first program category and a second classifier module which is trained with respect to a second program category (the examiner refers to page 15, lines 22- 25, page 16, lines 1-2 and 5-11). With all due respect, Applicants disagree. This reference does not disclose the training of first and second classifier modules to relate to first and second program categories respectively, but rather, simply states that, by chance, a particular filtering engine (classifier module) may be better adapted to one content category than another content category. This is not the same as positively training particular classifier modules and positively directing identified program categories to the same. Thus, while in Vamparys, two recommendation values may be obtained for the same

program, the two different values are not provided as a result of a positive decision to do so as a result of identifying first and second categories for a particular program.

There is also no disclosure in Vamparys of the provision of different ranking values being allocated to the first and second recommendations and then choosing to use one of the recommendations based on a comparison between ranking values and using the higher ranked value. This is a feature of each independent claim (6, 15, 16, and 19). The examiner points to the Hendricks document as disclosing this ranking feature but in Hendricks, the process is to evaluate weighted preference entries and then only those entries with values which are above a minimum weighted threshold value index would be recommended to the viewer. However, in contrast, in the current application, no reference is made to a particular threshold level but rather a direct comparison is made between the recommendation ranking values which have been generated for that particular program and the recommendation which has the higher ranking is used as the recommendation. Thus, in the current invention, while there may be a number of recommendations generated, only one of those recommendations will typically be used to recommend the program to the user. It is therefore submitted that it is not correct for the Examiner to combine three documents, mainly Vamparys, Jacobi and Hendricks together when in fact the disclosures in at least two of these documents, cannot properly be interpreted as reading on to the wording of the independent claims of the current application. Therefore, it would not be the case that a skilled person would combine these three documents and then still take a further step in interpreting the meaning of these three documents to cover the wording of the current claims as submitted herewith. The Examiner, in the arguments submitted at the bottom of page 7 and the start of page 8 of the Office Action, may misunderstand the meaning of the last part of the independent claims of the current application which refers to the comparison

between the rankings of the first and second recommendations and using the first recommendation when the first recommendation has a higher ranking value or utilizing the second recommendation when the second recommendation has the higher ranking value. Instead, the Examiner, in his discussions, suggests that because Hendricks shows the elimination of recommendations when they fall below a minimum threshold value, this is the same as the Applicants' claim. This is quite clearly not the case.

By way of example, and to illustrate the point, if a program has first and second recommendations which have, respectively, ranking values of 8 and 10, then in accordance with the invention, the second recommendation would be used as it has the higher value. In contrast, if the skilled person was to adopt the teaching of the prior art patents and the threshold value required in Hendricks was six, then both the first and second recommendations would be used as they both have a ranking value higher than the threshold value of six. Alternatively, if the threshold value was 14, then neither of the recommendations would be used as both have a ranking value below the threshold value of 14. This is therefore quite clearly different to the ranking and system put forward in the current application.

Conclusion

Applicants have made a sincere effort to amend the claims to appropriate format and scope for allowance which is respectfully requested.

This is a request to extend the period for filing a response in the above-identified application for three months from June 25, 2008 to September 25, 2008. Applicant is a large entity; therefore, please charge Deposit Account number 26-0084 in the amount of $1,050.00 to cover the cost of the three month extension.

No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

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